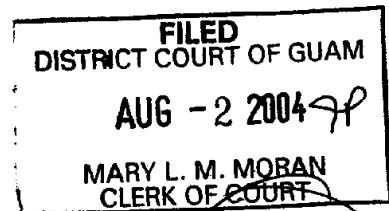


1 **LUJAN AGUIGUI & PEREZ LLP**  
2 Attorneys at Law  
3 Pacific News Building, Suite 300  
4 238 Archbishop Flores Street  
Hagåtña, Guam 96910  
Telephone (671) 477-8064/5  
Facsimile (671) 477-5297

5 *Attorneys for Applicant for Intervention*  
6 *Charmaine R. Torres*



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8 **DISTRICT COURT OF GUAM**  
9 **TERRITORY OF GUAM**

10  
11 **JULIE BABAUTA SANTOS**, individually,  
12 and on behalf of all those similarly situated,

13 **Petitioner,**

14 **-vs-**

15 **FELIX P. CAMACHO**, Governor of Guam;  
16 **ART ILAGAN**, Director of Department of  
17 **Revenue and Taxation**; **LOURDES M.**  
**PEREZ**, Director of Department of  
18 **Administration**; and **GOVERNMENT OF**  
**GUAM,**

19 **Respondents.**

20 **CHARMAINE R. TORRES**, on behalf of  
21 herself and all others similarly situated,

22 **Applicant for Intervention.**

**CIVIL CASE NO. CV04-00006**

**DECLARATION OF JOHN S. UNPINGCO**

**ORIGINAL**

1 I, John S. Unpingco, declare as follows:

2 1. I submit this declaration in response to Christina Naputi's Opposition to Applicant  
3 Charmaine R. Torres's Motion for Leave to Intervene as a Plaintiff/Petitioner.

4 2. I am a member of the law firm of Lujan, Aguigui & Perez LLP. I served as Chief  
5 District Judge of the District Court of Guam from November 9, 1992, until April 30, 2004. After  
6 leaving this position, I joined Lujan, Aguigui & Perez LLP beginning June 1, 2004. Lujan,  
7 Aguigui & Perez LLP is counsel for Applicant for Intervention, Charmaine R. Torres, in this  
8 action.

9 3. It is my understanding that the Petition in this case was filed on February 12, 2004.  
10 My involvement in this case was minimal and ministerial and not substantial in any way. To the  
11 best of my recollection, during my tenure on the Court, I had no personal communications with  
12 any parties to the case or their counsel in connection with this case, either in court or out of court.  
13 I am absolutely certain that I was not involved in any settlement discussions in connection with  
14 the case.

15 4. I signed only two (2) orders in this case, both of which were stipulated, and involved  
16 no contact or personal communications with any of the parties or their counsel, to the best of my  
17 recollection.

18 5. On March 9, 2004, I signed an Order based on a Stipulation to Dismiss Douglas B.  
19 Moylan, Attorney General, As A Named Defendant. The Stipulation was executed by Michael F.  
20 Phillips on behalf of the Petitioner, and J. Basil O'Mallan III, on behalf of the Office of the  
21 Attorney General. This was a ministerial act on my part. I conducted no hearings in connection  
22 with the stipulation and had no personal communications with the parties or their counsel with  
23 respect to the Stipulation.

24 6. On April 30, 2004, I signed a Scheduling Order and Discovery Plan which was  
25 stipulated and submitted by Michael F. Phillips, and the Office of the Attorney General. Again,  
26 this was a ministerial act on my part. I conducted no hearing in connection with the Scheduling  
27 Order and Discovery Plan and personally had no communications with the parties or their counsel

1 with respect to this submission. My law clerks usually call counsel to discuss dates on the  
2 scheduling orders. After arriving at a date convenient to all counsel and the court's calendar, my  
3 law clerks usually make pen and ink changes to the proposed order and then submit the order to  
4 me for my signature and for me to initial changes, both of which I perfunctorily do.

5 I declare under penalty of perjury under the laws of Guam that the foregoing is true to the  
6 best of my knowledge and belief.

7 Executed this 2<sup>nd</sup> day of August, 2004, in Hagåtña, Guam.

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10 **JOHN S. UNPINGCO**  
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